



April 6, 2001

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## ENGROSSED HOUSE BILL No. 1781

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DIGEST OF HB 1781 (Updated April 4, 2001 5:49 PM - DI 51)

**Citations Affected:** IC 7.1-1; IC 7.1-5; IC 33-19; noncode.

**Synopsis:** Alcohol and controlled substances. Specifies that it is a Class B misdemeanor for a person to be: (1) in a public place or a place of public resort; or (2) in or upon public transportation or in a depot, station, or airport; in a state of intoxication caused by the person's use of alcohol or a controlled substance. Requires a person to pay the \$200 alcohol and drug countermeasures fee if a person is charged with an offense under IC 9-30-5, but is convicted, based on a plea bargain approved by the court, of: (1) operating a tractor-trailer combination or other vehicle recklessly; or (2) the person is found to have committed the offense of public intoxication or intoxication upon a common carrier. Removes a provision that requires a person's driving privileges to be suspended by a court or the bureau of motor vehicles before the person is required to pay the alcohol and drug countermeasures fee.

**Effective:** July 1, 2001.

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### Harris, Kuzman, Porter

(SENATE SPONSORS — LANDSKE, ANTICH, ROGERS)

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January 17, 2001, read first time and referred to Committee on Courts and Criminal Code.  
February 12, 2001, amended, reported — Do Pass.  
February 19, 2001, read second time, amended, ordered engrossed.  
February 20, 2001, engrossed.  
February 26, 2001, read third time, passed. Yeas 96, nays 1.

SENATE ACTION

March 1, 2001, read first time and referred to Committee on Judiciary.  
April 5, 2001, amended, reported favorably — Do Pass.

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EH 1781—LS 6490/DI 69+



April 6, 2001

First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

## ENGROSSED HOUSE BILL No. 1781

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A BILL FOR AN ACT to amend the Indiana Code concerning alcohol and controlled substances.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 7.1-1-2-2 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2. ~~Scope.~~ **Except as**  
3 **provided in IC 7.1-5-1-3 and IC 7.1-5-1-6**, this title applies to the  
4 commercial manufacturing, bottling, selling, bartering, importing,  
5 transporting, delivering, furnishing, or possessing of alcohol, alcoholic  
6 beverages, industrial alcohol, malt, malt syrup, malt extract, liquid malt  
7 or wort.  
8 SECTION 2. IC 7.1-5-1-3 IS AMENDED TO READ AS  
9 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 3. ~~Public Intoxication~~  
10 ~~Prohibited.~~ It is a Class B misdemeanor for a person to be in a public  
11 place or a place of public resort in a state of intoxication **caused by the**  
12 **person's use of alcohol or a controlled substance (as defined in**  
13 **IC 35-48-1-9).**  
14 SECTION 3. IC 7.1-5-1-6 IS AMENDED TO READ AS  
15 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 6. ~~Intoxication Upon~~  
16 ~~Common Carrier Prohibited.~~ It is a Class B misdemeanor for a person  
17 to be, or to become, intoxicated **as a result of the person's use of**

EH 1781—LS 6490/DI 69+



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**alcohol or a controlled substance (as defined in IC 35-48-1-9)** in or upon a vehicle commonly used for the public transportation of passengers, or in or upon a common carrier, or in or about a depot, station, airport, ticket office, waiting room or platform.

SECTION 4. IC 33-19-6-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 10. **(a)** In each action in which a person is found to have:

- (1) committed an offense under IC 9-30-5;
- (2) violated a statute defining an infraction under IC 9-30-5; ~~or~~
- (3) been adjudicated a delinquent for an act that would be an offense under IC 9-30-5, if committed by an adult;

and the person's driving privileges are suspended by the court or the bureau of motor vehicles as a result of the finding, the clerk shall collect an alcohol and drug countermeasures fee of two hundred dollars (\$200).

**(b)** In each action in which a person is charged with an offense under IC 9-30-5 and, by a plea agreement or agreement of the parties that is approved by the court:

(1) judgment is entered for an offense under:

- (A) IC 9-21-8-50;
- (B) IC 9-21-8-52;
- (C) IC 7.1-5-1-3; or
- (D) IC 7.1-5-1-6; and

(2) the defendant agrees to pay the alcohol and drug countermeasures fee;

the clerk shall collect an alcohol and drug countermeasures fee of two hundred dollars (\$200).

SECTION 5. [EFFECTIVE JULY 1, 2001] This act applies to offenses committed after June 30, 2001.

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1781, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 26, after "crimes" insert "**, infractions, and delinquent acts**".

and when so amended that said bill do pass.

(Reference is to HB 1781 as introduced.)

DVORAK, Chair

Committee Vote: yeas 11, nays 0.

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## HOUSE MOTION

Mr. Speaker: I move that House Bill 1781 be amended to read as follows:

Page 2, line 6, before "In" insert "(a)".

Page 2, delete lines 12 through 20.

Page 2, reset in roman line 21.

Page 2, line 22, reset in roman "bureau of motor vehicles as a result of the finding,".

Page 2, between lines 24 and 25, begin a new paragraph and insert:

**"(b) In each action in which a person is charged with an offense under IC 9-30-5 and, by plea agreement or agreement of the parties, judgment is entered as an offense under:**

**(1) IC 9-21-8-50;**

**(2) IC 9-21-8-52;**

**(3) IC 7.1-5-1-3; or**

**(4) IC 7.1-5-1-6;**

**the clerk shall collect an alcohol and drug countermeasures fee of two hundred dollars (\$200)."**

Page 2, line 26, delete "crimes, infractions, and delinquent acts" and insert "offenses".

(Reference is to HB 1781 as printed February 13, 2001.)

HARRIS

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## COMMITTEE REPORT

Mr. President: The Senate Committee on Judiciary, to which was referred House Bill No. 1781, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, line 17, after "by" insert "a".

Page 2, line 18, delete "," and insert **"that is approved by the court:**

**(1)".**

Page 2, line 18, delete "as" and insert **"for".**

Page 2, line 19, delete "(1)", begin a new line double block indented and insert:

**"(A)".**

Page 2, line 20, delete "(2)", begin a new line double block indented and insert:

**"(B)".**

Page 2, line 21, delete "(3)", begin a new line double block indented and insert:

**"(C)".**

Page 2, line 22, delete "(4)", begin a new line double block indented and insert:

**"(D)".**

Page 2, line 22, after ";" insert **"and".**

Page 2, between lines 22 and 23, begin a new line block indented and insert:

**"(2) the defendant agrees to pay the alcohol and drug counter measures fee;"**.

and when so amended that said bill do pass.

(Reference is to HB 1781 as reprinted February 20, 2001.)

BRAY, Chairperson

Committee Vote: Yeas 6, Nays 0.

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